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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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Analysis of Enrolled House Bill 5341 (S-1)

Topic: Carbon Monoxide Detectors
Sponsor: Representative McDowell
Co-Sponsors: Representatives Miller, Meadows, Young, Gonzales, Lahti, Lindberg, Hood, Cushingberry, Byrnes, Gaffney, Amos, and Ball
Committee: House Regulatory Reform
Senate Health Policy

Date Introduced: October 23, 2007

Date Enrolled:

Date of Analysis: October 13, 2008

Position: The Department of Labor & Economic Growth supports the bill.

Problem/Background: It has been reported that carbon monoxide poisoning results in hundreds of deaths annually in the United States. Many more people become sick after exposure. In many instances, the source of the sickness may be undiagnosed, because carbon monoxide is colorless, odorless, and tasteless. Many sufferers may conclude that they had a case of the flu.

Description of Bill: The bill permits the Director of the Department of Labor & Economic Growth to provide for installation of at least one carbon monoxide device within a residential dwelling at the time of initial construction or upon the addition or creation of a bedroom. At least one device would be located in the vicinity of the bedrooms. This device may be capable of detecting carbon monoxide near all adjacent bedrooms, in areas within the dwelling adjacent to an attached garage and in areas adjacent to fuel-burning appliances.

The carbon monoxide device provided for in the bill may be battery-powered, plug-in with or without battery backup, wired into the dwellings power line with secondary battery backup, or co connected to a system by means of a control panel. If the International Residential Code is adopted by the Director, those requirements apply. *[Note: A carbon monoxide detector requirement in the 2009 International Residential Code for new homes where there is fuel-fired equipment or an attached garage.]*

No penalty may be imposed for failure to install a carbon monoxide detector as required in the bill until the effective date of a future code requirement adopted by the Director. A licensed

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builder would have no liability with respect to the operation, maintenance, or effectiveness of the carbon monoxide device.

The bill defines “approved” as a carbon monoxide device complying with either of two American National Standards Institute (ANSI) standards and installed in accordance with manufacturer’s instructions. The bill also contains definitions for “carbon monoxide device” and “operational”.

The bill is entitled the Overbeck law after the couple who died after they mistakenly left their automobile engine running in a garage attached to their Northern Michigan home.

The bill would take effect 90 days after enactment.

Summary of Arguments

Pro: The bill begins to deal with a serious problem that has cost the lives of home owners. It focuses attention on a tragic accident involving a Northern Michigan couple and will result in carbon monoxide detectors being installed in new homes.

Con: The bill does not go far enough. Carbon monoxide detectors are inexpensive, easy-to-install devices and should be mandated in all homes.

Fiscal/Economic Impact

(a) **Department:** There would be no fiscal impact on the department.

(b) **State:** There would be no fiscal impact on the state.

(c) **Local Government:** There would be a small impact on local government, because local governments provide most of the building code inspection services in the state.

Other State Departments: No other state departments have expressed interest in the bill.

Any Other Pertinent Information: The Michigan Association of Homebuilders opposed the bill originally introduced in the House but supported the Senate substitute.

Administrative Rules Impact: The carbon monoxide detector requirement provided for in the bills would likely be implemented through a department rulemaking.